

[1]

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3917/2003

SMT. MANJU GUPTA

Vs.

JAIPUR DEVELOPMENT AUTHORITY & ORS.

DATE: 23.10.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Virendra Agarwal for the petitioner.

Mr. Pratap Singh for the respondents.

The short controversy in this writ petition is with regard to cancellation of allotment of plot No. D-9 in Mahal Yojna made by the JDA in favour of the petitioner vide impugned letter dated 06.06.2003.

The petitioner has challenged the cancellation of allotment vide letter dated 06.06.2003 on the ground that the petitioner's husband is already allotted a plot bearing No. A-661 in Malviya Nagar, therefore, the petitioner is not entitled for allotment as per the provisions of U.I.T. adopted by the J.D.A.

Learned counsel for the respondents referred Section 10 of the U.I.T. Act which speaks about reservation of residential plots for allotment at concessional rates to specified categories of persons,

according to which in the scheme so prepared and technically approved by the Chief Town Planner or his representative authorised in this behalf, the Trust shall reserve with the prior approval of the State Government residential plot for allotment at concessional rates to the specified categories of persons referred in rule 17 and on terms and conditions prescribed under the provisions of these rules; provided that the person concerned (wife or husband) or any member of his family dependant upon him who owns in full or part any residential house or plot of land or free-hold or lease-hold basis (in any town in Rajasthan having a population of more than 50,000) shall not be entitled for allotment.

As per the respondents, allotment so made in favour of the petitioner has been cancelled pursuant to the provisions of Section 10 of the U.I.T. Act as the petitioner's husband has already owned a plot No. A-661 at Malviya Nagar and this allotment made in favour of the petitioner has been cancelled vide letter dated 06.06.2003 and ordered to refund the amount which has been deposited by the petitioner.

Having heard rival submissions of the respective parties and after going through the impugned letter dated 06.06.2003 as well as the provisions of

[3]

Section 10 of the U.I.T. Act, I find no illegality in the action of the respondents cancelling the allotment of plot as the petitioner's husband is already allotted a house No. A-661 at Malviya Nagar. No interference whatsoever is required by this Court.

Consequently, the writ petition fails being devoid of merit and the same is accordingly dismissed.

The ex parte interim order dated 09.07.2003 granted by this Court is hereby rejected. The stay application also stands dismissed.

(K.S. RATHORE),J.

/KKC/